

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DEUTSCHE BANK TRUST COMPANY AMERICAS, in
its capacity as successor indenture trustee for certain series
of Senior Notes, et al.

Plaintiffs,

vs.

ADALY OPPORTUNITY FUND TD SECURITIES INC.
C/O ADALY INVESTMENT MANAGEMENT CO., et
al.,

Defendants.

Case No. 11 Civ. 4784 (RJH)

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1) and the terms, conditions and limitations of a stipulation between the parties dated October 21, 2011, Plaintiffs Deutsche Bank Trust Company Americas, in its capacity as successor indenture trustee for a certain series of Senior Notes, Law Debenture Trust Company of New York, in its capacity as successor indenture trustee for a certain series of Senior Notes, and Wilmington Trust Company, in its capacity as successor indenture trustee for the PHONES notes, hereby dismiss this action without prejudice solely against defendant Anchin Block & Anchin LLP, who has neither moved nor answered.

Dated: October 24, 2011
New York, New York

Respectfully submitted,

/s/ James P. Chou

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Claims Asserted Against Defendants by Friedman
Kaplan Seiler & Adelman LLP, Kasowitz Benson
Torres & Friedman LLP, and Aronauer, Re &
Yudell, LLP*

*(Motion for Limited Withdrawal and Substitution
Pending)*